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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/029,581	03/06/1998	DEREK ROBERT JAMES	A25102/US	6257

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EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/029,581

Applicant(s)

JAMES, DEREK ROBERT

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- ☐ Interview Summary (PTO-413) Paper No(s) ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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DETAILED ACTION

This case has been returned by the Board of Patent Appeals and Interferences (BPAI).

The Board reversed the outstanding rejection on the merits. Upon conducting an update search, the current examiner discovered U.S. Patent No. 5, 592,618, to Micka et al. The patent to Micka et al. Appears to anticipate the claimed invention, infra. Accordingly, prosecution on the merits is hereby reopened. The examiner regrets any inconvenience this may have caused.

Approved
ma7
3/5/03

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Micka et al. (US Patent No. 5,592,618).

1. Regarding Claim 1, Micka discloses

- a method for checking the consistency of an item of data (see column 4, lines 59-61, Micka);
- in a cache database with a respective item of data in a master database (see Fig 5. step 800, Micka);
- by comparing a first key stored in association with the item of data (see column 9, lines 63-67, column 10, lines 1-25, Micka);
- in the cache database with a second key stored in association with an index entry for the respective item of data in the master database (see Fig 4, steps 710 and 712, Micka).

2. Regarding Claim 2, Micka discloses

- a method for retrieving an item of data from one of a cache or a master database (see Fig. 9, steps 1200, and 1215, Micka);
- the master database comprising a plurality of items of master data and an index containing entries corresponding to one or more of the items of master data (see Fig. 5 step 800, Micka).
- The cache database containing a cached copy of at least one item of the master data (see Fig. 4, Step 711, Micka); the method comprising the steps of:
reading a first key stored in association with a cached copy of a required item of data from the cache database (see Fig 7, step 1060, Micka);
reading a second key stored in association with an index entry for a respective item of master data from the master database (see column 13, lines 2-8, Micka);

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comparing the first key with the second key (see Fig. 4, steps 710 and 711, Micka);

and retrieving in the event the first and second keys are the same the cached copy of the item of data or in the event the first and second keys are different the respective item of master data (see column 13, lines 28-36, Micka);

3. Regarding Claims 3, and 7, Micka discloses a method wherein the first and second keys are time-stamps (see Fig. 1, step 407, column 11, lines 6-11, Micka).

4. Regarding Claims 4, and 8, Micka discloses a Use of a method in a client/ server system (see column 6, lines 51-60, Micka).

5. Regarding Claim 5, Micka discloses a database fileserver apparatus comprising:

input means for receiving a conditional read request for an item of data stored in the database, the request including a first key for a previously-retrieved copy of the item of data (see column 9, lines 63-67, Micka);

means for accessing an index of the database and reading an index entry for the requested item of data, the index entry including a second key for the stored item of information;

means for comparing the first and second keys (see column 10, lines 10-17, Micka); and

means if the keys are the same for returning an indication that the previously retrieved copy of the item of data is consistent or if the keys are different for reading from the database and returning a copy of the item of data (see column 10, lines 35-47, Micka).

6. Regarding Claim 6, Micka discloses a database index, wherein at least one index entry in the index includes at least:

identity information for identifying an item of information in the database (see column 10, lines 49-55, Micka);

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location information for indicating the location in the database of the item of information (see column 10, lines 55-62, Micka); and

version information which changes each time the respective information in the database changes (see column 11, lines 6-11, Micka).

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 746-9098. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
February 4, 2003


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